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11 Attorneys for Defendant  
GOOGLE INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.  
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Case No. CV 10-03561 WHA

**DECLARATION OF REID MULLEN IN  
SUPPORT OF GOOGLE'S OPPOSITIONS  
TO ORACLE'S MOTIONS IN LIMINE**

Hearing: April 27, 2016  
Time: 8:00 a.m.  
Dept. Courtroom 8, 19th Fl.  
Judge: Hon. William Alsup

1 I, Reid Mullen, declare as follows:

2 1. I am a partner in the law firm of Keker & Van Nest LLP, counsel to Google Inc.  
3 (“Google”) in the present case. I submit this declaration in support of Google Inc.’s Oppositions  
4 to Oracle America, Inc.’s (“Oracle”) Motions *in Limine*. I have knowledge of the facts set forth  
5 herein, and if called to testify as a witness thereto could do so competently under oath.

6 2. On November 20, 2015, counsel for Oracle indicated that they would inspect  
7 Google source code, including source code implementing versions of Android using OpenJDK,  
8 on November 25, 2015, starting at 9 a.m. I have reviewed the Source Code Review/Inspection  
9 Sign-in Log maintained by Keker & Van Nest for the source code computer that has been used to  
10 allow inspection of Google source code under the terms of the Protective Order in this case. The  
11 log indicates that on November 25, 2015, Geoffrey Moss and Mohamed Shakir signed in at 11:28  
12 and signed out at 2:48.

13 3. I have reviewed the transcript for the deposition of Anwar Ghuloum in this case.  
14 The transcript indicates that the deposition began at 9:40 a.m. and concluded at 3:22 p.m. It  
15 further indicates that breaks were taken between 10:06 a.m. and 10:09 a.m.; 11:12 a.m. and 11:38  
16 a.m.; 12:31 p.m. and 1:28 p.m.; and 2:36 p.m. and 2:53 p.m.

17 4. Attached hereto as **Exhibit 1** is a true and correct copy of Free and Open Source  
18 Java-FAQ available at  
19 [https://web.archive.org/web/20061116051402/http://www.sun.com/software/opensource/java/faq.](https://web.archive.org/web/20061116051402/http://www.sun.com/software/opensource/java/faq.jsp)  
20 [jsp](https://web.archive.org/web/20061116051402/http://www.sun.com/software/opensource/java/faq.jsp).

21 5. Attached hereto as **Exhibit 2** are true and correct copies of excerpts of the  
22 transcript of the deposition of Brian J. Swetland, taken July 7, 2011.

23 6. Attached hereto as **Exhibit 3** is a true and correct copy of Exhibit 5020 to the  
24 deposition of Anwar Ghuloum, taken December 12, 2015.

25 7. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Matthias  
26 Kamber to Karen Johnson-McKewan, et al., dated November 12, 2015.

27 8. Attached hereto as **Exhibit 5** are true and correct copies of excerpts of the  
28 transcript of the deposition of Anwar Ghuloum, taken December 9, 2015.

9. Attached hereto as **Exhibit 6** is a true and correct copy of an email from Greg Stein to Andy Rubin dated November 12, 2006, Trial Exhibit 155.

10. Attached hereto as **Exhibit 7** are true and correct copies of excerpts of the transcript of the deposition of Andrew McFadden, taken May 4, 2011.

11. Attached hereto as **Exhibit 8** is a true and correct copy of a blog post authored by Jonathan Schwartz dated November 5, 2007, Trial Exhibit 2352.

12. Attached hereto as **Exhibit 9** is a true and correct copy of "Sun Reveals a Slew of Moves at JavaOne," Trial Exhibit 2341.

13. Attached hereto as **Exhibit 10** is a true and correct copy of Exhibit 83 to the deposition of Peter Lord, taken July 22, 2011.

14. Attached hereto as **Exhibit 11** is a true and correct copy of Exhibit 1512 to the deposition of Mark Reinhold, taken March 15, 2016.

15. Attached hereto as **Exhibit 12** is a true and correct copy of "The Apache Software Foundation," Trial Exhibit 1045.

16. Attached hereto as **Exhibit 13** is a true and correct copy of a "Specification: Java 2 Platform Standard Edition Development Kit 5.0 Specification ("Specification")," dated August 25, 2004, Trial Exhibit 610.1.

17. Attached hereto as **Exhibit 14** are true and correct copies of excerpts of the transcript of the deposition of John Duimovich, taken December 21, 2015.

18. Attached hereto as **Exhibit 15** is a true and correct copy of a document produced by Google in this case bearing the production numbers GOOG-10002049-50.

19. Attached hereto as **Exhibit 16** is a true and correct copy of "The Apache Software Foundation," Trial Exhibit 917.

20. Attached hereto as **Exhibit 17** is a true and correct copy of "The Apache Software Foundation," Trial Exhibit 1047.

21. Attached hereto as **Exhibit 18** is a true and correct copy of a letter to Jonathan Schwartz dated June 22, 2007, Trial Exhibit 2347.

22. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the

1 deposition of Owen Astrachan, taken March 14, 2016.

2 23. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from  
3 “Causality: Models, Reasoning, and Interference,” by Judea Pearl.

4 24. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from  
5 “Intellectual Property: Valuation, Exploitation, and Infringement Damages,” by Gordon V. Smith  
6 and Russell L. Parr.

7 25. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from the  
8 deposition of James Kearl, taken March 23, 2016.

9 26. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the  
10 deposition of Mark Reinhold, taken March 15, 2016.

11 27. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts from the  
12 Corrected Reply Expert Report of Dr. Gregory K. Leonard in Response to Expert Report of  
13 Professor James R. Kearl, dated March 28, 2016.

14 28. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the  
15 deposition of Itamar Simonson, taken March 8, 2016.

16 29. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the  
17 deposition transcript of William Rutledge, taken December 9, 2015.

18 30. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from “Making  
19 Sense of a Fragmented World Mobile Developer Economics 2010 and Beyond.”

20 31. Attached hereto as **Exhibit 28** is a true and correct copy of excerpts from the  
21 deposition transcript of Oliver Toubia, taken March 10, 2016.

22 32. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from  
23 “Answering Autobiographical Questions: The Impact of Memory and Inference on Surveys,” by  
24 Norman Bradburn, Lance Rips, and Steven Shevell.

25 33. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts from “The  
26 Psychology of Survey Response” by Roger Tourangeau, Lance Rip, and Kenneth Rasinski.

27 34. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts of “The  
28 Practice of Survey Research,” by Ruel Wagner Gillespie.

1           35. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts of "Reference  
2 Manual on Scientific Evidence," Third Edition.

3           I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct to the best of my knowledge.

5           Executed this 6th day of April, 2016 at San Francisco, California.

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8 By:   
9 REID MULLEN  
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